

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7646 of 2019

1. Simpi Kumari Wife of Abhay Kumar Resident of Village-Baghoi, P.S.-Fesar, Panchayat-Paras Dih, District-Aurangabad
2. Saroj Kumar Son of Rajaram Prasad Resident of Village-Kotwara, P.S.Rafiganj, District-Aurangabad
3. Ankaj Kumar Son of Shashi Kant Yadav Resident of Village-Kashi Bigha, P.S.-Rafiganj, District-Aurangabad
4. Dipshikha Wife of Daya Nand Kumar Resident of Village-Lohra, Panchayat-Lohra P.S. Kashma, District-Aurangabad
5. Rajesh Kumar Son of Chandradeo Paswan Resident of Village-Kumhaini, Panchayat-Balar, P.S.-Kashma, District-Aurangabad
6. Rahul Kumar Son of Bhola Yadav Resident of Village-Mirpur, Panchayat-Mirpur, P.S.-Goh, District-Aurangabad
7. Rajan Kumar Son of Sunil Prasad Gupta Resident of Village-Mahadipur, Panchayat Aman, P.S.-Uphara, District-Aurangabad
8. Arjun Kumar Son of Rameshwar Yadav Resident of Village-Dulla Bigha, Panchayat-Bazarverma, P.S.-Goh, District-Aurangabad
9. Deeepika Kumari Wife of Pankaj Kumar Resident of Village-Suggi, P.O. Bela Barish, Panchayat-Malhar, P.S.-Bandaya, District-Aurangabad
10. Dharmendra Kumar Son of Dev Narayan Yadav Resident of Village-Buxar Tola, Panchayat Bigha, Panchayat-Buxar, P.S.-Bandiya, District-Aurangabad
11. Prem Kumar Son of Surendra Paswan Resident of Villgae-Chauhat, Panchayat Koilwan, P.S.-Haspura, District-Aurangabad
12. Manju Kumari Wife of Ashok Kumar Resident of Village-Telpa, P.S. Uphara, Panchayat Teyap, District-Aurangabad
13. Pankaj Kumar Soni Son of Satyanarayan Prasad Soni Resident of Village-Ram Nagar, P.O.-Karma, Panchayat-Ram Nagar, P.S.-Tandwa, District-Aurangabad
14. Urmila Kumari Wife of Arvind Vishwakarma Resident of Village-Akorha, P.O.-Gani, P.S.-Obra, District-Aurangabad
15. Sushma Kumari Wife of Pintu Kumar Resident of Village-Jujharpur, Panchayat-Fag, P.S.-Goh, District-Aurangabad

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna
2. The District Magistrate, Aurangabad
3. District Supply Officer, Aurangabad
4. The Sub-Divisional Officer, Daudnagar Sub-Division, District-Aurangabad



5. The Sub-Divisional Officer, Aurangabad, District-Aurangabad
6. The District Co-operative Officer, Aurangabad
7. The District Welfare Officer, Aurangabad
8. The Executive Engineer, Public Health Engineering Department, Aurangabad
9. Sri Shivanandan Yadav Son of Late Kishun Yadav Resident of Village-Konchi, Tola-Genda Bigha, P.S.-Guraru, District-Gaya
10. Shushil Kumar Resident of Village-Karja, P.O.-Jakhim, P.S.-Rafiganj District-Aurangabad
11. Sanjeet Kumar Son of Anil Kumar Resident of Village-Kotwara, P.S.-Rafiganj, District-Aurangabad
12. Bibha Kumari W/o Sanjay Lal Tapeswar Resident of Village-Khaira Manjhouli, P.S. Kasma, District-Aurangabad
13. Shiv Dayal Yadav Son of Vijay Yadav Resident of Village-Bhadukikhurd, P.S. Kasma, District-Aurangabad
14. Sanjay Kumar Son of Nand Kishore Yadav Resident of Village Nat Bigha, P.S. Kasma, District-Aurangabad
15. Sangeeta Kumar Wife of Raju Prasad Resident of Village and P.O.-Kara, P.S.-Obra, Dist-Aurangabad, District-Aurangabad
16. Pankaj Kumar Son of Ram Prasad Bhagat Resident of Village and P.O.-Amari, P.S.-Uphara, District-Aurangabad
17. Sanju Kumari Wife of Sunil Kumar Resident of Village-Bazar Verma, P.S.-Goh, District-Aurangabad
18. Kiran Kumari Wife of Shashi Ranjan Kumar Resident of Village-Bala Bigha, P.S.-Bandya, District-Aurangabad
19. Radhe Shyam Prasad Son of Santan Yadav Resident of Village-Buxar Bela Nema Bigha, P.S.-Bandya, District-Aurangabad
20. Rohit Kumar Son of Badu Singh Resident of Village-Alpa, P.S. Hasapura, District-Aurangabad
21. Puja Kumari Wife of Prem Prakash Resident of Village and P.O.-Tyap, P.S.-Uphara, District-Aurangabad
22. Anant Kumar Singh Son of Ramchandra Singh Resident of Village-Ram Nagar, P.O.-KarmaLahang, P.S.-Tandwa, District-Aurangabad
23. Amrita Kumari Wife of Amit Kumar Resident of Village-Parihara, P.O.-Gaine, P.S.-Kudmon, District-Aurangabad
24. Basanti Kumari Wife of Ritik Roshan Resident of Village-Azam, P.S.-Goh, District-Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar No. 1, Advocate
For the Respondent/s : Mr. AC to AAG 5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD



ORAL ORDER

2 04-06-2019 Heard learned counsel for the petitioners and learned counsel representing the State. In the nature of the order proposed to be passed at this stage, this Court is not calling for a counter affidavit.

Petitioners in the present case are alleging huge scale of bungling in the matter of selection of the Public Distribution Shop Dealers in Aurangabad Sub-Division and Daudnagar Sub-Division of Aurangabad District. It is alleged that these petitioners who are having higher marks have not been selected and the private respondents who are having lesser marks have been selected. Some of the examples have been provided in paragraph 6 of the writ application wherein it is stated that the petitioner no. 1 Simpi Kumari is at serial no. 2 having 66.5 % marks in the merit list but she has been replaced by one Shushil Kumar respondent no. 9 whose name is at serial no. 5 of the said list having 58.25 % marks only. Similarly as regards petitioner no. 5 it is stated that the name of petitioner no. 5 appeared at serial no. 1 in the merit list having 65.13 % marks and he belongs to scheduled caste having Post Graduate degree but in his place respondent no. 13 having 61.50 % marks belonging to BC-2 has been selected. There are some other examples also.

In course of hearing of the writ application learned



counsel for the petitioners has produced before this Court a copy of Memo No. 254 dated 11.03.2019 issued from the office of the Commissioner, Magadh Division, Gaya which shows that on the representations made by the petitioners, an inquiry has been constituted in the matter by forming a Committee of three members presided by the Deputy Development Commissioner, Jehanabad. The other members are the Deputy Development Commissioner, Nawada and the Additional Collector, Arwal. Till a decision is taken by the inquiry Committee, the Commissioner has stayed the distribution of license.

Learned counsel for the State submits that on the face of what has been placed before this Court showing memo no. 354 dated 11.03.2019, the writ application need not proceed as the matter is now being examined by a Committee of three members and based on reports submitted by the said Committee appropriate decision shall be taken.

I am in agreement with the submissions made on behalf of the State. Since an inquiry has already been constituted by the office of the Commissioner, Magadh Division, Gaya, this Court would not go into any discussions with regard to the allegations made in the writ application. The inquiry must be completed within a period of two months from



the date of receipt/production of a copy of this order. Based on the inquiry report the Commissioner, Magadh Division, Gaya shall proceed to take an appropriate decision in accordance with law within a further period of one month.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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